

United States Department of Agriculture,

OFFICE OF THE SECRETARY,

BOARD OF FOOD AND DRUG INSPECTION.

NOTICE OF JUDGMENT NO. 111, FOOD AND DRUGS ACT.

MISBRANDING OF CATSUP.

(AS TO AMOUNT OF BENZOATE OF SODA PRESENT.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 8th day of December, 1908, in the district court of the United States for the district of North Dakota, in a proceeding of libel under section 10 of the aforesaid act, for seizure and condemnation of 65 gallon jugs and 85 one-gallon tin packages of "Bordeaux Brand" tomato catsup which were misbranded in this, that the labels falsely stated the amount of preservative contained in the product, the Van Camp Packing Company, of Indianapolis, Ind., manufacturer and shipper, having appeared as claimant and filed its answer admitting the allegations of the libel, and the cause having come on for a hearing, the court rendered an order in substance and in form as follows:

At a session of the district court of the United States for the district of North Dakota, continued and held pursuant to adjournment, at the United States court room, in the city of Fargo, on the 8th day of December, 1908, the Honorable Charles F. Amidon being present and presiding in said court, the following, among other proceedings, were had and done to-wit:

UNITED STATES OF AMERICA, <i>Plaintiff,</i>	}	(55)
vs.		
65 GALLON JUGS OF CATSUP LABELED "BORDEAUX Brand" and 85 One-Gallon Tin Packages of Tomato Catsup Labeled "Bordeaux Brand," <i>Defendant.</i>		

This cause came on to be heard at this term upon the information and claim and answer thereto filed by the Van Camp Packing Company, and the court having found the allegations of the information to be true, it is now ordered and adjudged that the property described in said information be condemned.

And the said claimant having offered in its answer to pay the costs of these proceedings and to file a bond as provided by the act of June 30, 1906, it is ordered that upon the payment of said costs and the filing of a good and sufficient bond in the sum of \$500, to be approved by the United States attorney, the property described in the information and seized by the marshal under the

process of this court, be surrendered and delivered by said marshal to the claimant, the Van Camp Packing Company.

The facts in the case were as follows:

On or about September 18, 1908, E. F. Ladd, food commissioner of North Dakota, acting under authorization conferred on him by the Secretary of the United States Department of Agriculture, in accordance with regulation 3 of the rules and regulations for the enforcement of the Food and Drugs Act, found in the possession of Park, Grant & Morris, at Fargo, N. Dak., 65 one-gallon jugs and 85 one-gallon tin packages of a food product labeled, "Bordeaux Brand Tomato Catsup, Prepared by the Van Camp Packing Co., Indianapolis, Ind., U. S. A. Ingredients Tomatoes, Sugar, Vinegar, Salt, Cloves, Allspice, Cayenne Pepper, Onions & 1/10 of 1% of Benzoate of Soda. Net Wt. about 14 oz." A sample of this product was analyzed by Doctor Ladd and found to contain 0.205 per cent of benzoate of soda. The Van Camp Packing Company having been afforded an opportunity to show any fault or error in the aforesaid analysis and they having failed to do so, the facts were reported to the United States attorney for the district of North Dakota, and libel for seizure and condemnation under section 10 of the act was duly filed, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. MCCABE,

Board of Food and Drug Inspection.

Approved:

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 5, 1909.

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